

SUPPORT FOR THE AMENDMENT

This Amendment amends the specification to correct a typographical error; cancels Claim 4; and amends Claim 1. Support for the amendments is found in the specification and claims as originally filed. In particular, support for Claim 1 is found in canceled Claim 4. No new matter would be introduced by entry of these amendments.

Upon entry of these amendments, Claims 1-3 will be pending in this application. Claim 1 is independent.

REQUEST FOR RECONSIDERATION

Applicants respectfully request entry of the foregoing and reexamination and reconsideration of the application, as amended, in light of the remarks that follow.

Claims 1-3 are rejected under 35 U.S.C. §103(a) over U.S. Patent 6,890,646 ("Meguro") alone or in view of admitted prior art ("APA"). However, the Final Rejection at page 3, section 3, indicates that Claim 4 would be allowable, as far the 35 U.S.C. §103(a) rejection, if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 4 is canceled and incorporated into independent Claim 1. Thus, the rejection under 35 U.S.C. §103(a) should be withdrawn.

Claims 1-4 are rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-9 of U.S. Patent Application No. 10/823,564 (corresponding to U.S. Patent Application Publication No. US2004/0209121A1 ("Yajima")). Because 10/823,564 has not issued as a patent, this rejection is a provisional rejection.

The "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless the "provisional" double patenting rejection is the only rejection remaining in one of the applications. See MPEP 804, section I.B. when the "provisional" double patenting rejection is the only rejection remaining in at least one application. M.P.E.P. § 822.01.

After all other rejections have been withdrawn, pursuant to M.P.E.P. §822.01 Applicants respectfully request that the Examiner withdraw the provisional obviousness-type double patenting rejection.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Applicants respectfully request favorable consideration and prompt allowance of the application.

Should the Examiner believe that anything further is necessary in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

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